

## MEETING OF LICENSING SUB-COMMITTEE

GORDON HOUSE, INVERURIE, 6 OCTOBER, 2017

- Present:** Councillors F C P Hood (Chair); R Bruce, C Buchan (as substitute for Cllr Evison), A Forsyth, D Lonchay, D Robertson, EA Stirling, and I Taylor (as substitute for Cllr M Roy).
- Apologies:** Councillors A Evison, and M Roy.
- Officers:** Senior Solicitor (Governance) (F Stewart), Administrator, Legal & Governance (J MacDonald), and Committee Officer (J McRobbie).
- In attendance:** Sergeant Gill Flett (Police Scotland; and Sergeant Kim Wood (Observer)).

### 1. DECLARATION OF MEMBERS' INTERESTS.

Cllr Robertson declared an interest in Item 9, as having previously worked for the organisation which employed applicant (Case No. 916), but advised that the interest was not substantial and that he would take part in the discussion.

### 2. RESOLUTIONS

#### (A) PUBLIC SECTOR EQUALITY DUTY

In taking decisions on the undernoted items of business, the Committee **agreed**, in terms of Section 149 of the Equality Act 2010:-

- (1) to have due regard to the need to:-
  - (a) eliminate discrimination, harassment and victimisation;
  - (b) advance equality of opportunity between those who share a protected characteristic and persons who do not share it; and
  - (c) foster good relations between those who share a protected characteristic and persons who do not share it;
- (2) where an Equality Impact Assessment was provided, to consider its contents and take those into account when reaching a decision.

#### (B) CONFIDENTIAL INFORMATION

The Committee **noted** that, in terms of Sections 50A (2) of the Local Government (Scotland) Act 1973, as amended, for Items 4- 11 of the business on account of the likely disclosure of confidential information.

### 3. MINUTE OF MEETING OF 18 AUGUST, 2017

There had been circulated and was approved as a correct record the Minute of Meeting of the Licensing Sub-Committee of 18 August, 2017.

**4. CIVIC GOVERNMENT (SCOTLAND) ACT 1982 – APPLICATION FOR THE GRANT OF TAXI DRIVER’S LICENCE (CASE NO. 905)**

With reference to the Minute of Meeting of the Licensing Sub-Committee of 18 August, 2017, (Item 10), there had been circulated a report dated 20 September, 2017 by the Director of Business Services which (1) requested that consideration be given to an application for the grant of a taxi driver’s licence, in respect of which the Chief Constable had made representation, and (2) detailed information relevant to the application. It was noted that the matter had been deferred from determination at the previous meeting, pending the attendance of an interpreter to assist the applicant in understanding.

Having heard from the applicant and the Chief Constable’s representative, the Sub-Committee unanimously **agreed** to GRANT the application for a taxi driver’s licence on the basis that the applicant was a fit and proper person to hold a licence, but that the duration of the licence be restricted to a period of a year.

**5. CIVIC GOVERNMENT (SCOTLAND) ACT 1982 – APPLICATION FOR THE GRANT OF TAXI DRIVER’S LICENCE (CASE NO. 912)**

There had been circulated a report dated 20 September, 2017, by the Director of Business Services, which (1) requested that consideration be given to an application for a taxi driver’s licence, in respect of which the Chief Constable had lodged an objection, and (2) detailed information relevant to the application.

In the absence of the applicant, and having heard from the Chief Constable’s representative, the Sub-Committee unanimously **agreed** to defer consideration of the application to the next meeting, anticipating the receipt of additional information on a case currently sub-judice.

**6. CIVIC GOVERNMENT (SCOTLAND) ACT 1982 – APPLICATION FOR THE GRANT OF TAXI DRIVER’S LICENCE (CASE NO. 913)**

There had been circulated a report dated 20 September, 2017 by the Director of Business Services which (1) requested that consideration be given to an application for the grant of a taxi driver’s licence, in respect of which the Chief Constable had made representation, and (2) detailed information relevant to the application.

Having heard from the applicant, and the Chief Constable’s representative, the Sub-Committee unanimously **agreed** to GRANT the application for a taxi driver’s licence on the basis that the applicant was a fit and proper person to hold a licence, but that the duration of the licence be restricted to a period of a year.

**7. CIVIC GOVERNMENT (SCOTLAND) ACT 1982 – APPLICATION FOR THE GRANT OF TAXI DRIVER’S LICENCE (CASE NO. 914)**

There had been circulated a report dated 20 September, 2017, by the Director of Business Services, which (1) requested that consideration be given to an application for a taxi driver’s licence, in respect of which the Chief Constable had lodged an objection, and (2) detailed information relevant to the application.

Having heard from the applicant and his agent, and the Chief Constable’s representative, the Sub-Committee unanimously **agreed** to GRANT the application for a taxi driver’s licence on the basis that the applicant was a fit and proper person to hold a licence, but that the duration of the licence be restricted to a period of a year.

**8. CIVIC GOVERNMENT (SCOTLAND) ACT 1982 – APPLICATION FOR THE RENEWAL OF TAXI DRIVER’S LICENCE (CASE NO. 915)**

There had been circulated a report dated 20 September, 2017, by the Director of Business Services, which (1) requested that consideration be given to an application for the renewal of a taxi driver’s licence, in respect of which the Chief Constable had made representation, and (2) detailed information relevant to the application.

In the absence of the applicant, and having heard from the Chief Constable’s representative, the Sub-Committee **agree**, by a majority, to refuse the application for renewal on the basis that the applicant was not a fit and proper person to hold a licence by reason of his previous convictions and recent conduct.

**9. CIVIC GOVERNMENT (SCOTLAND) ACT 1982 – APPLICATION FOR THE GRANT OF TAXI DRIVER’S LICENCE (CASE NO. 916)**

There had been circulated a report dated 21 September, 2017, by the Director of Business Services, which (1) requested that consideration be given to an application for a taxi driver’s licence, in respect of which the Chief Constable had lodged an objection, and (2) detailed information relevant to the application.

Having heard from the applicant, and the Chief Constable’s representative, the Sub-Committee unanimously **agreed** to GRANT the application for a taxi driver’s licence on the basis that the applicant was a fit and proper person to hold a licence, but that the duration of the licence be restricted to a period of a year.

**10. CIVIC GOVERNMENT (SCOTLAND) ACT 1982 – APPLICATION FOR THE GRANT OF TAXI DRIVER’S LICENCE (CASE NO. 917)**

There had been circulated a report dated 20 September, 2017, by the Director of Business Services, which (1) requested that consideration be given to an application for a taxi driver’s licence, in respect of which the Chief Constable had lodged an objection, and (2) detailed information relevant to the application.

Having heard that the applicant had advised officers that he was unable to attend the meeting, the Sub-Committee **agreed** to defer consideration of the application to the next meeting of the Sub-Committee.

**11. CIVIC GOVERNMENT (SCOTLAND) ACT 1982 – APPLICATION FOR THE RENEWAL OF TAXI DRIVER’S LICENCE (CASE NO. 918)**

There had been circulated a report dated 20 September, 2017, by the Director of Business Services, which (1) requested that consideration be given to an application for the renewal of a taxi driver’s licence, in respect of which the Chief Constable had made representation, and (2) detailed information relevant to the application.

Having heard from the applicant, and the Chief Constable’s representative, the Sub-Committee unanimously **agreed** to Grant the renewal of a taxi driver’s licence for the full three year period on the basis that the applicant was a fit and proper person to hold a licence.

**12. LATE RENEWAL APPLICATIONS – DELEGATION OF AUTHORITY TO ACCEPT ON CAUSE SHOWN**

The Sub-Committee **noted** that this report had been withdrawn on the basis of extant delegated authority which would be reported to Council in November, 2017 for updating of the Scheme of Governance.